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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	CASE NO. 17-CR-533 EMC
)	
15 Plaintiff,)	[PROPOSED] ORDER TO EXCLUDE TIME
)	UNDER THE SPEEDY TRIAL ACT FROM
16 v.)	NOVEMBER 16, 2020, TO JANUARY 13, 2021
)	
17 JONATHAN JOSEPH NELSON et al,)	
)	
18 Defendants.)	
)	

19
20 On November 16, 2020, defendants Jonathan Joseph Nelson, Raymond Michael Foakes, Russell
21 Allen Lyles, Jr., Jeremy Daniel Greer, Brian Wayne Wendt, Christopher Ranieri, Russell Taylor Ott,
22 Damien David Cesena, Brian Allen Burke, David Salvatore Diaz III, Merl Frederick Hefferman, and
23 plaintiff United States appeared before the Court for a status conference via Zoom. Defendants, through
24 counsel, waived their appearance at the hearing and/or consented to participation via Zoom. The parties
25 discussed various issues in the case, including the United States' pending motion for an order to show
26 cause, as well as scheduling for upcoming litigation on experts and other pre-trial motions the
27 defendants expect to bring. The Court set a further status hearing on January 13, 2021, and directed the
28 parties to meet and confer regarding the scheduling of the third round of *Daubert* motions and motions

1 directed at overt acts or suppression. The Court scheduled a motion hearing on the government's CAST
2 expert on February 17, 2021, with possible evidentiary hearing dates on February 19, and February 26,
3 2021. The Court also set a motion hearing date on the third round of expert litigation on March 17,
4 2021, with possible evidentiary hearing dates on March 19, and March 26, 2021.

5 Based on representations of counsel and for good cause shown as further set forth during the
6 hearing, the Court finds that time is excludable between November 16, 2020, and January 13, 2021,
7 including because of the pending motions in the case and the need for effective preparation of counsel.
8 18 U.S.C. § 3161(h)(1)(D), (7)(B)(ii). The Court had previously found, due to the nature of the
9 prosecution, that the case is complex under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii), and it is
10 unreasonable to expect adequate preparation for pretrial proceedings or for any trials within the time
11 limits established under the Act.

12 Therefore, IT IS HEREBY ORDERED, that time is excluded between November 16, 2020, and
13 January 13, 2021, on the basis that the ends of justice served by the continuance outweigh the best
14 interests of the public and defendants in a speedy trial, and because failure to grant a continuance would
15 deny defendants' counsel reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence, including because of pending and upcoming motions. 18 U.S.C. §
17 3161(h)(7)(A), (1)(D), (7)(B)(iv). The Court also continues to find that the case is complex based on the
18 number of defendants and the nature of the prosecution, and thus time shall be excluded from
19 computation under the Speedy Trial Act on that basis as well. 18 U.S.C. § 3161(h)(7)(B)(ii).

20
21 DATED: November 17, 2020


EDWARD M. CHEN
United States District Court Judge